

Masashi HIROKAWA, S.N. 10/742,349  
Page 6

Dkt. 2271/57379-A

REMARKS

The application has been reviewed in light of the Office Action dated June 6, 2007. Claims 43-54 were pending, with claims 1-42 having previously been canceled, without prejudice or disclaimer. By this Amendment, claims 43-54 having previously been canceled, without prejudice or disclaimer and new claims 55-64 have been added. Accordingly, claims 55-64 are now pending, with claims 55, 58, 61 and 63 being in independent form.

Claims 43-54 were rejected under the judicially created doctrine of obviousness-type double patenting as purportedly unpatentable over claims 1-10 of U.S. Patent No. 6,697,172.

By this Amendment, claims 43-54 having previously been canceled, without prejudice or disclaimer and new claims 55-64 have been added.

Applicant maintains that claims 55-64 of the present application are patentably distinct from claims 1-10 of U.S. Patent No. 6,697,172.

Claims 1-10 of U.S. Patent No. 6,697,172 are directed to a facsimile apparatus.

In contrast, claims 55-64 of the present application are directed to a method for monitoring performance of an image forming apparatus.

In view of the amendments to the claims and remarks hereinabove, Applicant submits that the application is now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.


If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that are required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

Masashi HIROKAWA, S.N. 10/742,349  
Page 7

Dkt. 2271/57379-A

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

  
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